

Art Unit: 1624

### DETAILED ACTION

1. The instant application is a national stage entry of PCT/JP04/17564, filed 26 November 2004.

#### ***Election/Restrictions***

2. Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claim(s) 1-14, 18-21, 22, 23, 24, drawn to a compound of formula (I) and a process of making a compound of formula (I).

Group II, claim(s) 15-17, drawn to a compound of formula (VIII).

3. The inventions listed as Groups I-II do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: there is no structural significant element between these inventions. Invention I is drawn to a quinazoline ring whereas invention II is drawn to a quinazolin-4(3H)-one ring. In addition, there are six patentably distinct combinations of variables R<sup>18</sup> and R<sup>19</sup> in claim 15. When variable R<sup>20</sup> is taken into consideration, there are 24 different combinations (four patentably distinct groups for R<sup>20</sup>). In formula (I), at least 64 different combinations of variables R<sup>5</sup>-R<sup>7</sup> exist (4 different groups for each instance attached to C). Variables R<sup>2</sup>, R<sup>3</sup>, R<sup>18</sup>, and R<sup>19</sup> are important because they are the points of novelty in the instant claims. No special technical feature exists following this reasoning.

4. Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement may be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To preserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically

Art Unit: 1624

point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

5. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NOBLE JARRELL whose telephone number is (571)272-9077. The examiner can normally be reached on M-F 7:30 A.M - 6:00 P.M. EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. James O. Wilson can be reached on (571) 272-0661. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Noble Jarrell/  
Examiner, Art Unit 1624

Application/Control Number: 10/580,283

Page 4

Art Unit: 1624